

**REMARKS**

Claims 1-20 are pending in the present application.

Claims 1-3, 5-10, and 12-20 have been rejected.

Claims 4 and 5 have been objected to.

Claims 1-20 remain in the application. Reconsideration of the claims in view of the Applicant's following arguments is respectfully requested. All claims are shown in their current form in Appendix A for the Examiner's easy reference.

In Sections 1 and 2 of the August 14, 2002 Office Action, the Examiner rejected Claims 6, 7, 13 and 14 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. The Examiner questioned whether the recitation in Claims 6, 7, 13 and 14 that the load impedance is lower than the stray capacitance impedance is correct. The Applicant respectfully asserts that this limitation is correct.

In Sections 3 and 4 of the August 14, 2002 Office Action, the Examiner rejected Claims 1, 5, 8, 12, 15, 16, 18, 19 and 20 under 35 U.S.C. §102(e) as being anticipated by United States Patent No. 6,239,664 to *Northam* (hereafter, simply “*Northam*”). In Sections 5 and 6 of the August 1, 2002 Office Action, the Examiner rejected Claims 1-3, 5-10, and 12-20 under 35 U.S.C. §103(a) as being unpatentable over United States Patent No. 5,608,360 to *Driscoll* (hereafter, simply “*Driscoll*”) in view of the *Northam* reference.

The Applicant respectfully disagrees with the Examiner's rejection of Claim 1 and directs the Examiner's attention to Claim 1, which contains the following unique and novel limitations:

1. For use in an oscillator, a two port SAW resonator circuit for providing a tunable low phase noise oscillator signal comprising:

a two port SAW resonator;

at least one inductance coupled to a port of the SAW resonator, wherein the at least one inductance is connected and sized to approximately tune out a stray capacitance seen at the port within an equivalent circuit for the SAW resonator at a selected frequency; and

at least one variable tuning capacitance coupled between the port of the SAW resonator and an input or output port for the SAW resonator circuit, wherein the at least one tuning capacitance forms a series resonance circuit with the SAW resonator and may be selectively employed to alter a resonant frequency of the SAW resonator circuit. (emphasis added)

The Applicant respectfully asserts that the above-emphasized limitation is not shown, suggested, or even hinted at in either the *Northam* reference or the *Driscoll* reference, or in the combination of the *Northam* reference and the *Driscoll* reference.

The Applicant respectfully submits that the *Northam* reference teaches only that the variable tuning capacitance is coupled between the port of the SAW resonator and the input of the SAW resonator circuit. See items 244 and 246 in Figure 2 of the *Northam* reference. The output, RF OUT, of the SAW resonator circuit in the *Northam* reference is coupled to the SAW resonator 202 by transistor 204 and coupling capacitor 226. However, coupling capacitor 226 is not a variable capacitor and, hence, cannot be used to tune the resonant frequency of the SAW resonator circuit.

The *Driscoll* reference does nothing to overcome the shortcomings of the *Northam* reference. The *Driscoll* reference was introduced to show inductors 12 and 13 connected to the input port and

output port of a SAW resonator 14. However, the *Driscoll* reference does not show variable tuning capacitors coupled to either the input or the output of the SAW resonator 14.

In sum, neither the *Northam* reference nor the *Driscoll* reference, either individually or in combination, discloses the unique and novel limitations recited in Claim 1. This being the case, Claim 1 presents patentable subject matter over the *Northam* reference and the *Driscoll* reference. Also, Claims 2-7 depend from Claim 1 and contain all of the unique and novel limitations recited in Claim 1. Thus, Claims 2-5 are patentable over the *Northam* reference and the *Driscoll* reference.

Furthermore, independent Claims 8 and 15 contain limitations that are analogous to the unique and novel limitations recited in Claim 2. Claims 8 and 15 are therefore patentable over the *Northam* reference and the *Driscoll* reference. Finally, dependent Claims 9-14, which depend from Claim 8, and dependent Claims 16-20, which depend from Claim 15, contain all of the unique and novel limitations recited in Claims 8 and 15, respectively. This being the case, Claims 9-14 and Claims 16-20 are patentable over the *Northam* reference and the *Driscoll* reference.

**SUMMARY**

For the reasons given above, the Applicant respectfully requests reconsideration and allowance of pending claims and that this Application be passed to issue. If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at [jmockler@davismunck.com](mailto:jmockler@davismunck.com).

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

DAVIS MUNCK, P.C.

Date: 16 Dec. 2002

P.O. Box 800889  
Dallas, Texas 75380  
(214) 922-9221 (main number)  
(214) 969-7557 (fax)  
E-mail: [jmockler@davismunck.com](mailto:jmockler@davismunck.com)

  
John T. Mockler  
John T. Mockler  
Registration No. 39,775